

# DEPARTMENT OF CORRECTIONS



BRIAN SCHWEITZER, GOVERNOR

1539 11<sup>TH</sup> AVENUE

STATE OF MONTANA

(406) 444-3930  
FAX (406) 444-4920

PO BOX 201301  
HELENA, MONTANA 59620-1301

**TO:** DOC Advisory Council

**FROM:** Steve Barry, Administrator, Human Resources Division

**DATE:** November 30, 2006

**SUBJECT:** Native Cultural Officer Report

Accompanying this cover memo is a report from Myrna Kuka, the Department of Corrections' native cultural officer (NCO) assigned to the Great Falls area. The initial native cultural officer pilot project began July 24, 2006 with Myrna's hiring. The focus of the project is to develop a culturally sensitive American Indian program for offenders and victims that are affected by the criminal justice system. Male Indians account for 17% of the Montana inmate population and female Indians 26%, although Indians only make up about 6% of the state population. The project emphasizes community and interagency involvement and has the potential to provide a long-term impact on Indian offender rehabilitation and the Montana corrections system.

The NCO bridges the cultural divide that often puts Indian offenders at a disadvantage in the criminal justice system. The officer provides non-legal advice to the accused; assists in finding legal counsel and understanding the criminal justice system; involves the defendant's family; assists with pre-sentence investigation reports and ascertains if the accused is a candidate for alternative sentencing to corrections programs such as a prerelease center, probation, chemical dependency, mental health services and elder counseling.

While the project has only been active slightly more than three months, I believe Myrna's report will provide you a better understanding of the activities she's been involved with in developing this program. If you have any follow-up questions please feel free to contact me at 444-0406 or Jim Mason, the department American Indian liaison at 444-0403.



TO: Department of Corrections Advisory Council  
FROM: Myrna Kuka, Native cultural officer  
DATE: Nov. 30, 2006

RE: Native Cultural Officer Program progress report

I began work Aug. 1, 2006, after spending a week in orientation in Helena. I then got settled in my Great Falls office, which is part of the public defender's office.

To date, I have received most of my referrals from the public defenders office in Great Falls. Most recently, I had a deluge of referrals from the probation and parole offices throughout the area that I serve. In addition, some offenders contact me without referral.

One of my first referrals was from Teton County Public Defender Justin Lee. His client had been in the county jail at Cut Bank for 16 months. The charges against him were deliberate homicide and assault with a deadly weapon. I traveled to Cut Bank at least two to three times a month to see this client. He maintained his belief that his ongoing problem was being in that particular jail. He would have much preferred to be in the Pondera County jail at Conrad.

He cited the jail employees (jailers, deputies, etc.) as his main concern. He viewed their behavior as being able to do whatever they felt like doing at any given time, apparently for no reason and no explanation. He took most of their actions personally. He was reminded that he was the incarcerated person and in their custody. However, Glacier County does have native police officers and jailers. The other difficulties that this prisoner had were the lack of moral support. Although 31 years old, both of his parents have passed away and the family is not close. He now calls his aunt his mother and she lives in Kalispell and cannot always see him on a regular basis. His extended family and brothers are scattered, some in different states. He called regularly to have me attempt to make contact with his son, who resides with the mother in another state. His son's mother preferred not to have contact with him. His trial lasted a week and he was found guilty and now is awaiting sentencing. Presently, he is talking to his attorneys about an appeal.

Several attempts were made to meet with the Blackfeet Council without much success. A meeting was finally held with one of the councilmen. My job description was copied and given to him with a verbal introduction to my duties in assisting all Indians in the justice

system. Two other attempts were made to get on the council agenda and were unsuccessful. However, at this time there are enough referrals to keep me busy.

The job requires that I work with Rocky Boy and Fort Belknap reservations as well. An appointment was made with a tribal council member at Fort Belknap for their monthly judicial meeting. After spending the night in Havre and traveling to Fort Belknap, I received a call that the councilmen were in Billings at a meeting. I traveled to the Fort Peck Reservation and met with the police chief.

To date, I have at least 21 clients and have contact with all but two. Those two were juveniles and one was incarcerated on a deliberate homicide charge and he was referred to another Indian who works mainly with juveniles. I was assured by the licensed addiction counselor with whom I spoke that someone would be able to visit him and get some treatment for him. I was unable to see the other juvenile because I had to attend a trial. In the meantime, he went to court.

I have met with the probation and parole officers in Great Falls, Cut Bank (on a regular basis) and Havre. I have traveled to Browning and visited the chemical dependency treatment facility there. I have met most of the prosecutors and public defenders in Great Falls. I made several attempts to meet the judges, but their schedules do not allow much time for breaks or extra meetings. I attended court in Cut Bank, where every Thursday is the time for pending cases to be presented. So far this has been a very rewarding experience.

I visit inmates at the detention centers. Recently, I was at the Hill County Jail to see a client who had arrested for violating conditions of his community supervision. I just received a letter from my client in Hill County and after his hearing he is being recommended for the prerelease center in Great Falls with substance abuse treatment at the Great Falls Indian Family Clinic, rather than being sent back to prison for using alcohol. I have made calls to get one individual, diagnosed as developmentally disabled and chemically dependent, into a group home setting to keep her off the street and hopefully assist her in not hanging out with street people. I have made referrals to vocational rehabilitation programs, Share House in Missoula, Gateway Recovery in Great Falls, Browning Tribal Treatment Center, Great Falls Family Medical Clinic, Mission Treatment Center in Great Falls and others. (Share House provides residential and integrated support services homeless individuals and those with co-occurring disorders.)

I have used my knowledge and previous contacts with members of the Blackfeet Tribe to assist in speaking to potential witnesses in a homicide case. One of my co-workers, an investigator with the public defenders office, requested that I speak to three potential Indian witnesses, as they did not understand the procedures of going into court to testify and the process of a homicide trial. The investigator from the public defender's office had told them I was available to talk with them if they felt more comfortable dealing with me than with a non-Indian. I recognize there can be distrust in speaking to a person from another culture. After introducing myself and explaining their roles as witnesses, we overcame an mistrust and the three witnesses did testify.

During this time I and a co-worker were introduced to evidence of clear racism by the local law enforcement officials. One of the witnesses' mother reported that five close relatives of her family had wanted posters placed in local Cut Bank businesses showing individuals facing misdemeanor charges. Her daughter, one of the witnesses, was on one of the "wanted" posters. The mother said she had heard that, although about 200 active warrants existed, only the five Indians were targeted on the wanted posters. The investigator went to Norman's Clothing Store in Cut Bank and brought one of the posters for the public defenders to see. The family was referred to the Montana Human Rights Commission to request assistance in investigating the situation.

This investigator reported he was sending a letter to Kristina Neal, deputy public defender, indicating my assistance was invaluable to their working relationship with Indians throughout the duration of the trial.

Referrals are coming fast, most through the Indian grapevine where a client tells another. I then get calls and usually make contact when appropriate. The communication gap is usually the main problem. This seems to happen when the client is not given a constant update on his case and not afforded frequent contact with his or her public defender. There seems to be a misunderstanding about what they should ask. I usually have them think over what they would like to know and I get back to them about their concerns. The other problem seems to be that defendants feel their court-appointed defender is not maintaining constant contact. After explaining the duties of this court-appointed advocate and their heavy caseload, defendants understand where they are on the priority list.

One of the first clients I met was charged with rape. I went to his mobile home and made contact. He had rented out his house in the expectation that he was going to prison, although he continuously declared his innocence. I worked with the investigator and a team of public defenders, and acted as a liaison to make sure the accused understood all aspects of the procedure he was experiencing. This included meetings with his public defender, appearing for hearings, informational meetings and explaining to him what would happen next. The final outcome was he did not have to go to trial and all charges were dropped after records were uncovered showing the alleged victim had leveled the same charges against someone else in another state. In that case, accused went to prison before the court found out he was innocent. Apparently the alleged victim wrote a letter to the judge stating the man was innocent.

The accused and those clients awaiting a hearing on their violations make it a point to call me or come see me. I have assisted with a pre-sentence investigation (PSI). I interpreted what the document is requesting and what information is needed for the judge who ordered it. I read all the questions and explain to the offender what is required in answering. I do not fill out the document, but explain to them what is required in terms that they understand. It is during this time I was told that the person I was assisting could not read or write very well and, even though he had a high school diploma, he just "pushed through" school. He explained to me that he wrote "backwards." I have not had

much input into this part of the process as most accused already have completed this facet of their journey through the system. The pre-sentence investigation is completed for the probation officer with direct orders from the judge. At the point I usually meet with clients, they have had their PSIs completed. Although in a meeting with probation and parole officers, I requested they refer their clients to me as they are giving the PSI forms to their clients.

I have received referrals from Helena and Butte-Silver Bow. I was unable to assist these clients but wrote letters. The reason that I could not assist them was they are out of the area that I have been assigned to work. A large portion of the referrals I get are the Indians themselves who tell others about my role and say that I can assist them interpreting their needs. I received a call from the Bozeman public defender's office asking about my position and how I can assist. This was after I had called and left a message that one of his clients was feeling that he needed to have more contact with his lawyer. I was assured by the public defender that he had just spoken to his client. I mailed my job description to the public defender and let him know that I am here to assist clients in this area.

The greatest problems I have seen so far are no employment opportunities; a lack of medical facilities and chemical dependency treatment; poor living conditions; unavailable support systems and general problems that Indians encounter off the reservation. It appears the problems become overwhelming and that triggers the need to use alcohol or drugs. Indians have to maneuver their way through a legal process foreign to them. This linear process is implemented by another culture and someone who has never had to go through this confusing process needs some interpretation. There are many steps that require much paperwork, meetings, hearings, ongoing investigations and questions, etc., all in a timely manner needed follow a well-defined process. This is not easy to do when there are many steps to complete before the case is finally resolved with sentencing and incarceration. This is definitely a cultural barrier. Even after they have been sentenced, some Indians still ask questions about their case and what, if anything, can be done.